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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/804,255      | 03/13/2001  | Yoshiaki Tomomatsu   | 35.G2783            | 9122             |

5514 7590 01/05/2007  
FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

THOMPSON, JAMES A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2625

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 01/05/2007 | PAPER         |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

|                              |                   |                     |  |
|------------------------------|-------------------|---------------------|--|
| <b>Office Action Summary</b> | Application No.   | Applicant(s)        |  |
|                              | 09/804,255        | TOMOMATSU, YOSHIAKI |  |
|                              | Examiner          | Art Unit            |  |
|                              | James A. Thompson | 2625                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2,3 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,3 and 16-20 is/are allowed.
- 6) ☒ Claim(s) 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 25 September 2006 has been entered.

### *Response to Arguments*

2. Applicant's arguments, see pages 8-12, filed 25 September 2006, with respect to the rejections under 35 USC §103(a) have been fully considered and are persuasive. The rejections under 35 USC §103(a) listed in the previous office action of 10 July 2006 has been withdrawn.

### *Claim Rejections - 35 USC § 101*

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. **Claim 21 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.** Claim 21 recites "a recording medium in which a program readable by a computer is recorded". This particular recitation could be reasonably interpreted to be program code printed on a page ("recording medium") which can be optically read and input into a computer. Thus, claim 21 as presently recited is non-statutory. Examiner respectfully suggests Applicant amending claim 21 to read "A computer-readable medium" rather than "A recording medium" in order to make claim 21 statutory.

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*Allowable Subject Matter*

**5. Claims 2-3 and 16-20 are allowed.**

The following is an examiner's statement of reasons for allowance:

The newly added independent claims 16, 20 and 21 recite subject matter that is neither anticipated nor rendered obvious by the prior art. Specifically, claims 16, 20 and 21 recite the features of (1) analyzing a rendering command and determining whether or not an object image is of a specific image type, (2) determining if an object image is of a specific image type on the next rendering command if the object image is not of the specific image type, and (3) performing either (i) outputting the developed image in memory if the analysis of the rendering command determines that there is no object image of the specific image type in a predetermined region or (ii) reacquiring the rendering command of the object image in the predetermined region and then correcting, developing and outputting the object image if the object image is of the specific image type. Examiner has not found this combination of features either in a single reference or in an combination of references such that said combination of features would be rendered obvious to one of ordinary skill in the art at the time of the invention.

The closest prior art references found are Ueda (US Patent 6,008,812), Clouthier (US Patent 5,949,964), and Nakai (US Patent 5,539,523). Ueda and Nakai operate by performing image correction based on the characteristics of different regions. However, neither Ueda nor Nakai have any means for processing regions which are not recognized as specific image types, and Ueda and Nakai perform image processing and correction based on prestored parameters, rather than reacquiring a rendering command previously obtained when a specific image type is recognized again in the image. In Clouthier, if an image region is not recognized as a specific type, nothing is done. The image data is simply passed to the printer. If the region is recognized, a prestored process is performed. There is no reacquisition of rendering commands previously obtained when a specific image type is recognized again in the image.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Thompson whose telephone number is 571-272-7441. The examiner can normally be reached on 8:30AM-5:00PM.

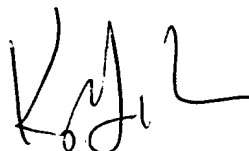
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



23 December 2006

James A. Thompson  
Examiner  
Technology Division 2625



KING Y. POON  
PRIMARY EXAMINER